

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD KIRBY,

Plaintiff,

v.

No. CIV 08-659 JCH/LFG

ROBERT EZELL, et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF
TIME TO RESPOND TO DEFENDANT HORTON'S MARTINEZ REPORT**

THIS MATTER comes before the Court on Plaintiff Richard G. Kirby ("Kirby")'s Motion for Extension of Time to File a Response to Defendant Major Horton's Martinez Report [Doc. 49, filed June 25, 2009]. No response is necessary.

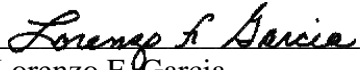
On May 5, 2009, the Court directed Defendants Robert Ezell ("Ezell"), Shannon McReynolds ("McReynolds") and Major Horton ("Horton") to file Martinez Reports related to Kirby's claims of denial of access to the courts. The Reports were originally due on or before June 29, 2009. The Reports were meant to respond to the Court's inquiries as to three claims of denial of access: (A) denial of equipment on which to play CDs or CD-ROMs, against Defendants Ezell and McReynolds; (B) two-week delay in mailing legal documents or denial of access to legal files, against McReynolds; and (C) refusal to allow Kirby to bring certain documents to a court hearing, against Horton.

Defendant Horton timely filed his Martinez Report [Doc. 47] on June 8, 2009. Defendant Ezell timely filed his Martinez Report [Doc. 50] on June 29, 2009. Defendant McReynolds sought

and was granted an extension of time until July 29, 2009 to file the Martinez Report relating to allegations against him.

Kirby asserts, *inter alia*, that it will be more efficient if he files a response to the various separate Martinez Reports at the same time; thus, he requests an extension of time to respond to Horton's Report until 30 days after McReynolds's Report is due. The Court finds this request reasonable. The Court will also grant the same extension of time to respond to Ezell's Report, which was filed after Kirby made the request for extension.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time [Doc. 49] is granted. Plaintiff will have until August 31, 2009 to respond to the three Martinez Reports filed in this case.



Lorenzo F. Garcia
Chief United States Magistrate Judge